

AMENDED IN ASSEMBLY APRIL 24, 1997

AMENDED IN ASSEMBLY APRIL 10, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 745

Introduced by Assembly Member Thompson

February 26, 1997

An act to amend Section 1248.1 of the Health and Safety Code, relating to outpatient care.

LEGISLATIVE COUNSEL'S DIGEST

AB 745, as amended, B. Thompson. Outpatient settings.

Existing law prohibits the operation of an outpatient setting, as defined, where anesthesia is used, unless the setting is one of enumerated settings, including a setting that is used by a dentist or physician and surgeon in compliance with provisions of law regulating use of general anesthesia and conscious sedation by dentists.

This bill would *delete from those enumerated settings a setting that is used by a dentist or physician and surgeon in compliance with provisions of law regulating use of conscious sedation by dentists. The bill would provide that the requirements of the provisions of law regulating use of general anesthesia are satisfied for the purposes of the law regulating outpatient settings without need for a general anesthesia permit when anesthesia is administered in a facility that meets the requirements of prescribed law and*

regulations by a physician and surgeon who has successfully completed a postgraduate residency program in anesthesia.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1248.1 of the Health and Safety
2 Code is amended to read:

3 1248.1. No association, corporation, firm, partnership,
4 or person shall operate, manage, conduct, or maintain an
5 outpatient setting in this state, unless the setting is one of
6 the following:

7 (a) An ambulatory surgical center that is certified to
8 participate in the Medicare program under Title XVIII
9 (42 U.S.C. Sec. 1395 et seq.) of the federal Social Security
10 Act.

11 (b) Any clinic conducted, maintained, or operated by
12 a federally recognized Indian tribe or tribal organization,
13 as defined in Section 450 or 1601 of Title 25 of the United
14 States Code, and located on land recognized as tribal land
15 by the federal government.

16 (c) Any clinic directly conducted, maintained, or
17 operated by the United States or by any of its
18 departments, officers, or agencies.

19 (d) Any primary care clinic licensed under subdivision
20 (a) and any surgical clinic licensed under subdivision (b)
21 of Section 1204.

22 (e) Any health facility licensed as a general acute care
23 hospital under Chapter 2 (commencing with Section
24 1250).

25 (f) Any outpatient setting to the extent that it is used
26 by a dentist or physician and surgeon in compliance with
27 Article 2.7 (commencing with Section 1646) ~~or Article 2.8~~
28 ~~(commencing with Section 1647)~~ of Chapter 4 of Division
29 2 of the Business and Professions Code. For the purposes
30 of this subdivision, the requirements of Article 2.7
31 (commencing with Section 1646) of Chapter 4 of Division
32 2 of the Business and Professions Code are satisfied
33 *without need for a general anesthesia permit* when

1 anesthesia is administered, *in a facility that meets the*
2 *requirements of that article and regulations adopted by*
3 *the Board of Dental Examiners to implement that article,*
4 by a physician and surgeon who has successfully
5 completed a postgraduate residency program in
6 anesthesia.

7 (g) An outpatient setting accredited by an
8 accreditation agency approved by the division pursuant
9 to this chapter.

10 (h) A setting, including, but not limited to, a mobile
11 van, in which equipment is used to treat patients
12 admitted to a facility described in subdivision (a), (d), or
13 (e), and in which the procedures performed are staffed
14 by the medical staff of, or other healthcare practitioners
15 with clinical privileges at, the facility and are subject to
16 the peer review process of the facility but which setting
17 is not a part of a facility described in subdivision (a), (d),
18 or (e).

19 Nothing in this section shall relieve an association,
20 corporation, firm, partnership, or person from complying
21 with all other provisions of law that are otherwise
22 applicable.